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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,238	06/20/2001	Jeffrey D. Washington	5150-48500	6736
35690	7590	06/24/2005	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			VU, KIEU D	
			ART UNIT	PAPER NUMBER

2173

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/886,238

Applicant(s)

WASHINGTON, JEFFREY D.

Examiner

Kieu D. Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,20,22-29,34 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,20,22-29,34 and 36-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This Final Office Action is in response to the Amendment filed on 04/06/05.
2. Claims 1, 3-12, 20, 22-29, 34, and 36-47 are pending.

#### ***Specification***

3. It is noted that there is no commonly named inventor of the instant application and Applications 09/745023, 09/518492, 09/595003, 60/149943, therefore, the benefit claimed under above Applications does not satisfy 35 USC 120. Appropriate correction is required.

#### ***Oath/Declaration***

4. A new oath or declaration is required because benefit under 35 USC 119(e) and 35 USC 120 is not correctly claimed. (see section 3 above).

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9, 20-26, 34, and 46-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomsen et al ("Thomsen", USP 5987246).

Regarding claims 1, 20, and 34, Thomsen teaches steps for configuring a node in a graphical program, comprising displaying the node in the graphical program (col 2, lines 44-47) wherein a plurality of possible input terminals and/or a plurality of possible output terminals are associated with the node (a node is associating with possible input

terminals since the upper or top side of such node is designed to receive inputs) (col 2, lines 38-41) (also see col 8, lines 29-35); receiving user input specifying configuration information for the node (col 2, lines 47-50); automatically displaying one or more input terminals of the plurality of possible input terminals and/or one or more output terminals of the plurality of possible output terminals for the node, based on the configuration information (inherent); wherein said displaying one or more input terminals for the node comprises displaying only a subset of the plurality of possible input terminals, and wherein said displaying one or more output terminals for the node comprises displaying only a subset of the plurality of possible output terminals; and performing at least one of connecting an input terminal of the one or more input terminals of the node to a data source in the graphical program, in response to user input; and connecting an output terminal of the one or more output terminals of the node to a data target in the graphical program, in response to user input (col 2, lines 47-50) (also see step 308 and 310 in Fig. 8).

Regarding claims 3, 22, and 36, Thomsen teaches receiving user input specifying the one or more input terminals from the plurality of possible input terminals (col 2, lines 50-51), the one or more output terminals from the plurality possible input terminals (Fig. 7), wherein automatically creating and displaying the one or more input terminals and the one or more output terminals are specified by the user input (see Fig. 7).

Regarding claims 4, 23, and 37, Thomsen teaches, based on the configuration information, selecting the one or more input terminals from the plurality of possible input

terminals and selecting the one or more output terminals from the plurality of possible output terminals (col 7, lines 16-29).

Regarding claims 5, 24, and 38, Thomsen teaches specifying desired functionality for the node (col 6, lines 31-38) and determining the one or more input terminals and the one or more output terminals for the node based on the specified desired functionality for the node (col 8, lines 32-44).

Regarding claims 6, 25, and 39, it is inherent that Thomsen teaches when the terminals are not necessary for implementing the specified desired functionality for the node, they are not selected for inclusion in the displayed terminals.

Regarding claims 7 and 40, Thomsen teaches the inclusion of the node in the graphical program (col 2, lines 20-23).

Regarding claims 8 and 41, Thomsen teaches connecting an input terminal of the node to an output terminal of another node in the graphical program and an output terminal of the node to an input terminal of another node in the graphical program (Fig. 10).

Regarding claims 9, 26, and 42, Thomsen teaches programmatically generating graphical source code for the node to implement functionality specified by the configuration information (col 8, lines 50-59).

Regarding claims 46-47, Thomsen teaches creating and displaying input terminal and output terminal (Fig. 8 and Fig. 11).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-12, 14-19, 27-33, 35, and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen and Jordan et al ("Jordan", USP 5155836).

Regarding claims 10, 27, and 43 Thomsen teaches requesting user input requesting to provide configuration information for the node (user input to connect input to a node and output from a node), displaying a graphical user interface (GUI) input panel in response to the user input requesting to provide configuration information for the node; wherein said receiving user input specifying configuration information for the node comprises receiving user input via the GUI input panel (col 4, lines 47-56). Thomsen differs from the claim in that Thomsen does not teach displaying a graphical user interface input panel in response to the user input requesting to provide configuration information for the node. However, such feature is known in the art as taught by Jordan. Jordan teaches a block diagram editor system which comprises displaying pop-up menu to provide receive user input specifying configuration for the node (col 13, lines 25-45). These pop-up menus are displayed in response to user input (pressing the yellow mouse button) (col 13, lines 25-45). It would have been obvious to one of ordinary skill in the art, having the teaching of Thomsen and Jordan before him at

the time the invention was made, to modify the graphical program system taught by Thomsen to include displaying a prompt in response to user's input request taught by Jordan with the motivation being to enhance the user friendliness of the system.

Regarding claims 11, 28, and 44, Thomsen teaches displaying one or more labels for the nodes (labeling sides of the node, col 2, lines 25-44), and further teaches labeling left side for receiving input data and right side for producing output data (col 2, lines 27-32) (Fig. 7). Thomsen also teaches connecting left side (side that is labeled "input" in Fig. 7) of the node to the data source and connecting right side (side that is labeled "output" in Fig. 7) to the data target (col 2, lines 45-56). Thomsen does not teach labeling input terminal or output terminal. However, such feature is known in the art as taught by Jordan. Jordan teaches a block diagram editor system which comprises the labeling input terminals and output terminals (col 19, lines 39-55). It would have been obvious to one of ordinary skill in the art, having the teaching of Thomsen and Jordan before him at the time the invention was made, to modify the visual program taught by Thomsen to include the labeling input terminals and output terminals taught by Jordan with the motivation being to enhance the clarification of the program.

Regarding claims 12, 29, and 45, Thomsen teaches displaying alias (labels) for the nodes (labeling sides of the node, col 2, lines 25-44), and further teaches labeling left side for receiving input data and right side for producing output data (col 2, lines 27-32) (Fig. 7). Thomsen also teaches connecting left side (side that is labeled "input" in Fig. 7) of the node to the data source and connecting right side (side that is labeled "output" in Fig. 7) to the data target (col 2, lines 45-56). The label of the left side visually

indicates that the left side is an input side (see Fig. 7). The label of the right side visually indicates that the right side is an output side (see Fig. 7), therefore, the input side and output side are identifiable for connection to other nodes in the program.

Thomsen does not teach providing alias for input terminal or output terminal. However, such feature is known in the art as taught by Jordan. Jordan teaches a block diagram editor system which comprises providing alias (labeling) to input terminals and output terminals (col 19, lines 39-55). It would have been obvious to one of ordinary skill in the art, having the teaching of Thomsen and Jordan before him at the time the invention was made, to modify the visual program taught by Thomsen to include the labeling input terminals and output terminals taught by Jordan with the motivation being to enhance the clarification of the program.

9. Applicant's arguments filed 04/06/05 are fully considered but they are not persuasive.

Applicant argues "Thomsen's nodes have predefined terminals ...based on configuration information" and "Applicant can find no description of "automatically displaying one or more input terminals....with respect to the 3-D nodes ....in the descriptions of Fig. 8-11". However, text of col. 2, lines 38-41 "the upper or top side of each node is preferably designed to receive inputs" shows that there should be plurality of possible input terminals. Figure 11 shows nodes receiving input data on their top faces and displays one or more input terminals (i.e. input ends or input points) (subset of plurality of possible input terminals) on their top faces.



Applicant argues that “[In Thomsen,] no means were described to suppress or omit the displayed of the unused terminals, and such functionality (not displaying terminals that are not used) is not described as, or considered part of. Thomsen’s disclosed invention”. However, the claim does not recite this feature. Therefore, this argument is not persuasive since it is based on non-claimed feature.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

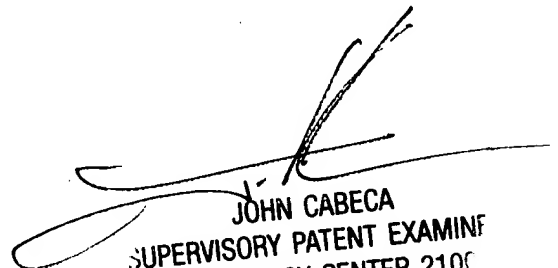
and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

Patent Examiner



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